

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 2:09CR19-P-S

JOSEPH WILLIAMS

ORDER

This cause is before the Court on the defendant's Motion for Continuance of Trial [19]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

William's counsel avers that he is recuperating from a recent surgery and is not available for trial until a later date. He does not anticipate a lengthy period of delay. The government does not oppose the requested continuance. Based on the foregoing, the Court finds that the motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from October 26, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to ensure the availability of defense counsel and to afford defendant a reasonable time for adequate and effective preparation of his defense. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance of Trial [19] is GRANTED;

2. That the trial of this matter is continued until Monday, December 14, 2009 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi; multiple voir dire is to be held at the same time and place;
3. That the delay from October 26, 2009 until December 14, 2009 is excluded as set out above;
4. That the deadline for filing pretrial motions is November 23, 2009;
5. That the deadline for submitting a plea agreement is November 30, 2009.

SO ORDERED, this the 8th day of October, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE